



# TRANSMITTAL FORM

*(to be used for all correspondence after initial filing)*

Total Number of Pages in This Submission	8	Attorney Docket Number	50623.221
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## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form (1 page) (in duplicate)  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input checked="" type="checkbox"/> Express Mail Label No. EV 339063733 US  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input checked="" type="checkbox"/> Preliminary Amendment (3 pages)  <input checked="" type="checkbox"/> Petition To Accept An Unintentionally Delayed Claim Of Priority Under 35 U.S.C. §120 (2 pages)  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input type="checkbox"/> Other Enclosure(s) (please identify below):
<b>Remarks</b>		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Squire, Sanders & Dempsey L.L.P. Paul J. Meyer, Jr., Reg. No. 47,791
Signature	
Date	May 3, 2004

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Rebecca M. Klits		
Signature		Date	May 3, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# FEE TRANSMITTAL

**MAY 03 2004**

## for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$ 1,330.00)

Complete if Known	
Application Number	10/603,794
Filing Date	June 25, 2003
First Named Inventor	Syed F.A. Hossainy
Examiner Name	Unassigned
Art Unit	1762
Attorney Docket No.	50623.221

**METHOD OF PAYMENT (check all that apply)**
 Check  Credit card  Money  Other  None  
Order
 Deposit Account:

Deposit Account Number 07-1850

Deposit Account Name Squire, Sanders & Dempsey L.L.P.

## The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.
**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code	(\\$)	(\\$)
1001	770	2001	385
1002	330	2002	165
1003	520	2003	260
1004	750	2004	375
1005	160	2005	80
<b>SUBTOTAL (1)</b>		(\$)	

**2. EXTRA CLAIM FEES**

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
82	10	0	-82 ** = 0	X 18 = 0	0
10			-10 ** = 0	X 86 = 0	0
				X 0 = 0	0

**Large Entity**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code	(\\$)	(\\$)
1202	18	2202	9
1201	84	2201	42
1203	280	2203	140
1204	84	2204	42
1205	18	2205	9
<b>SUBTOTAL (2)</b>		(\$ 0)	

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code	(\\$)	(\\$)
1051	130	2051	65
1052	50	2052	25
1053	130	1053	130
1812	2,520	1812	2,520
1804	920*	1804	920*
1805	1,840*	1805	1,840*
1251	110	2251	55
1252	420	2252	205
1253	950	2253	465
1254	1,480	2254	725
1255	2,010	2255	985
1401	330	2401	160
1402	330	2402	160
1403	290	2403	140
1451	1,510	1451	1,510
1452	110	2452	55
1453	1,300	2453	650
1501	1,330	2501	650
1502	470	2502	235
1503	630	2503	315
1460	130	1460	130
1807	50	1807	50
1806	180	1806	180
8021	40	8021	40
1809	750	2809	375
1810	750	2810	375
1801	770	2801	385
1802	900	1802	900
Other fee (specify) Surcharge Under 1.17(t)			1,330

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)**

(\$ 1,330)

SUBMITTED BY		Complete if applicable	
Name (Print/Type)	Paul J. Meyer, Jr.	Registration No. Attorney/Agent)	47,791
Signature			Date
			May 3, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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5-5-04

DAC/JPS  
PATENT  
Attorney Docket No.: 50623.00221  
EFW



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PATENT  
Attorney Docket No.: 50623.00221

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re Application of:

Syed F.A. Hossainy et al.

Serial No: 10/603,794

Examiner: Unknown

Art Unit: 1762

Filed: June 25, 2003

For: THERMAL TREATMENT OF A DRUG  
ELUTING IMPLANTABLE MEDICAL  
DEVICE

Commissioner for Patents  
USPTO  
PO Box 1450  
Alexandria, VA 22313-1450

**PETITION TO ACCEPT AN UNINTENTIONALLY  
DELAYED CLAIM OF PRIORITY UNDER 35 U.S.C. § 120**

Dear Sir/Madam:

Pursuant to 37 CFR § 1.78 (a)(3), Applicants hereby request the Commissioner to accept an unintentionally delayed claim to domestic priority under 35 U.S.C. § 120, and accord the subject patent application an effective filing date of September 3, 1999. In addition, issuance of a corrected filing receipt is respectfully requested.

According to 37 CFR § 1.78(a)(3), a petition to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of a prior-filed application must be accompanied by: (1) the reference to the prior-filed application required by 35 U.S.C. 120 and 37 CFR § 1.78(a)(2); (2) the surcharge set forth in 37 CFR § 1.17(t); and (3) a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(2)(ii) and the date the claim was filed was unintentional.

05/07/2004 AWONDAF1 00000051 071850 10603794

01 FC:1454 1330.00 DA

The undersigned hereby submits that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(2)(ii) and the filing date of this claim was unintentional. This Petition also includes: (1) the reference to the prior-filed application as required by 35 U.S.C. § 120 and 37 CFR § 1.78(a)(2) as indicated in the enclosed Preliminary Amendment; and (2) the surcharge set forth in 37 CFR § 1.17(t).

To the extent that the fee payment is insufficient, the Office is hereby authorized to charge any additional fee required under 37 C.F.R. § 1.17, or credit any overpayment of same, to Deposit Account No. 07-1850.

Date: May 3, 2004

Squire, Sanders & Dempsey L.L.P.  
One Maritime Plaza, Suite 300  
San Francisco, CA 94111-3492  
Telephone (415) 954-0345  
Facsimile (415) 393-9887

Respectfully submitted,

By:   
Paul J. Meyer, Jr.  
Attorney for Applicants  
Reg. No. 47,791

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  Hossainy et al.	Examiner: Not assigned
Serial No.: 10/603,794	Art Unit: 1762
Filed: June 25, 2003	Attorney's Docket Number: 50623.221
Title: Thermal Treatment of a Drug Eluting Implantable Medical Device	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Preliminary Amendment**

Dear Examiner:

Please amend the application as indicated herein before examination of the application on the merits.

**In the Specification**

Please amend the paragraph of the application starting on Page 1, line 15:

This application is a continuation-in-part of application serial number 10/108,004, which was filed on March 27, 2002[[;]]. This application is also a continuation-in-part of application serial number 10/304,360, filed on November 25, 2002, which is a divisional application of U.S. Patent Number 6,503,556 filed on December 28, 2000; and. This application is also a continuation-in-part of application serial number 09/750,595, filed December 28, 2000 which is a continuation-in-part of U.S. patent application serial number 09/470,559 filed on December 23, 1999, which is a continuation-in-part of U.S. Patent Number 6,287,638 filed on September 3, 1999 and U.S. Patent Number 6,379,381 filed on September 3, 1999. U.S. patent application serial number 09/750,595 is also a continuation-in-part of U.S. patent application serial number 09/715,510 filed on November 17, 2000, which is a continuation-in-part of U.S. patent application serial number 09/540,241 filed on March 31, 2000 (now abandoned).

Applicants respectfully request the Examiner to acknowledge Applicants' claim for domestic priority as set forth above. If the Examiner has any questions or concerns, the Examiner is invited to call the undersigned.

Date: *5/3/04*

Squire, Sanders & Dempsey L.L.P.  
One Maritime Plaza, Suite 300  
San Francisco, CA 94111  
Telephone (415) 954-0345  
Facsimile (415) 393-9887

Respectfully submitted,



\_\_\_\_\_  
Paul J. Meyer, Jr.  
Attorney for Applicants  
Reg. No. 47,791